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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,777	02/04/2004	Mark B. Orton	1041.2.4	5171

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Kunzler & McKenzie
8 EAST BROADWAY
SUITE 600
SALT LAKE CITY, UT 84111

EXAMINER	
KWIECINSKI, RYAN D	
ART UNIT	**PAPER NUMBER**
3635	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/771,777	ORTON, MARK B.	
	Examiner	Art Unit	
	Ryan D. Kwiecinski	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,12-17,19 and 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,12-17,19 and 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-13, and 15-20 rejected under 35 U.S.C. 102(b) as being anticipated by US 5,507,118 to Brown.

Claim 1:

Brown teaches a bracing device comprising:

a plurality of bracing members (23,25,37, Fig.2), each bracing member having an adjustable length (Column 2, lines 8-11);

a coupling device configured to rotatably couple the bracing members together (45,47, Fig.2) such that each of the plurality of bracing members is configured to rotate 360-degrees around the coupling device while couple4d to the coupling device (the above recitation is intended use of the bracing device and the bracing device of Brown is **capable** of being rotated 360 degrees by contracting the arms 37 and loosening the coupling device 47); and

wherein the coupling device allows the bracing members to support an enclosed geometric shape.

Claim 2:

Brown teaches the bracing device of claim 1, wherein each bracing member further comprises a first and second end (ends near the corners of the board, Fig.2).

Claim 4:

Brown teaches the bracing device of claim 2, wherein each bracing member comprises an elongated hollow member (23, 25, Fig.3) having a first telescoping member configured to extend outward from the first end of each bracing member and second telescoping member configured to extend outward from the second end of each bracing member (37, Fig.3).

Claim 5:

Brown teaches the bracing device of claim 4, wherein the first and second telescoping members each further comprise a plurality of locking pins (41, Fig.3) configured to maintain an extended position of the first and second telescoping member with respect to the corresponding bracing member.

Claim 6:

Brown teaches the bracing device of claim 1, wherein each bracing member further comprises a plurality of holes configured to receive the coupling device (43, Fig.3).

Claim 7:

Brown teaches the bracing member of claim 4, wherein the first telescoping member is configured to extend and maintain a desired distance

from the first end and the second telescoping member is configured to extend and maintain substantially the same distance from the second end as the desired distance (Column 2, lines 8-11, Fig.2).

Claim 8:

Brown teaches the bracing device of claim 1, wherein the coupling device is further configured to couple the plurality of bracing members such that the bracing members are aligned with each other. The coupling device can be loosened allowing the members to rotate completely and align with each other.

Claim 9:

Brown teaches the bracing device of claim 1, wherein the coupling device is configured to permanently couple the bracing members (The coupling device is a bolt, Column 3, lines 33-34), the coupling device configured such that each coupled bracing member is individually positonable.

Claim 10:

Brown teaches the bracing device of claim 1, wherein each bracing member further comprises a hole located at the longitudinal center of the bracing member (43, Fig.3), the hole configured to receive the coupling device.

Claim 12:

Brown teaches the bracing device of claim 1, wherein the coupling device is further configured to couple a first bracing member and a second bracing member to maintain a substantially perpendicular relationship between the first bracing member and the second bracing member (Column 3, lines 64-67).

Claim 13:

Brown teaches a method for bracing and supporting an enclosed geometric shape, the method comprising:

providing a bracing device comprising

a plurality of bracing members (23,25, 37, Fig.2), each bracing member having an adjustable length (Column 2, lines 8-11),

a coupling device (45,47, Fig.3) that rotatably couples the bracing members together such that each of the plurality of bracing members is configured to rotate 360-degrees around a coupling device while coupled to the coupling device (the above recitation is intended use of the bracing device and the bracing device of Brown is **capable** of being rotated 360 degrees by contracting the arms 37 and loosening the coupling device 47) and allows the bracing members to support substantially all sides of an enclosed geometric shape;

adjusting the length of one of the bracing members to substantially the same length as a diameter of two opposing sides of the enclosed geometric shape (Column 2, line 8-11);

installing the first bracing member between the two opposing sides; and

repeating the length adjustment and installation of additional bracing members of the bracing device until substantially all the sides of

the enclosed geometric shape are supported by at least one bracing member of the bracing device (Column 2, lines 1-11).

Claim 15:

Brown teaches the method of claim 13, wherein adjusting the length of each bracing member further comprises extending a first telescoping member configured to extend outward from the first end of each bracing member (Column 2, lines 1-11).

Claim 16:

Brown teaches the method of claim 13, wherein adjusting the length of each bracing member further comprises extending a second telescoping member configured to extend outward from the second end of each bracing member (Column 2, lines 1-11).

Claim 17:

Brown teaches the method of claim 13, further comprising maintaining an extended position of the first and second telescoping member (Column 2, lines 8-11).

Claim 19:

Brown teaches the method of claim 13, further comprising maintaining a substantially perpendicular relationship between a first and second bracing member (Column 3, lines 64-66).

Claim 20:

Brown teaches a bracing apparatus, the apparatus comprising:

means for coupling a plurality of members together (45,47, Fig.3);

means for supporting substantially all sides of an enclosed geometric shape (23,25, 37, Fig.2); and

means for adjusting the length of a bracing member to substantially the same length as a diameter of two opposing sides of the enclosed geometric shape (Column 2, lines 1-11).

Claims 1-3 and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2000179182 A to Ichikawa.

Claim 1:

Ichikawa teaches a bracing device comprising:

a plurality of bracing members (A,B, Exhibit X), each bracing member having an adjustable length;

a coupling device (C, Exhibit X) configured to rotatably couple the bracing members together such that each of the plurality of bracing members is configured to rotate 360-degress around the coupling device while couple to the coupling device (the above recitation is intended use of the bracing device and the bracing device of Ichikawa is **capable** of being rotated 360 degrees by contracting the arms D and loosening the coupling device C); and

wherein the coupling device allows the bracing members to support an enclosed geometric shape.

Claim 2:

Ichikawa teaches the bracing device of claim 1, wherein each bracing member further comprises a first and second end (D, E, Exhibit X).

Claim 3:

Ichikawa teaches the bracing device of claim 2, further comprising a plurality of articulating feet (F, Exhibit X), each bracing member having a first articulating foot connected to the first end, and a second articulating foot connected to the second end.

Claim 13:

Ichikawa teaches a method for bracing and supporting an enclosed geometric shape, the method comprising:

providing a bracing device comprising

a plurality of bracing members (A, B, Exhibit X), each bracing member having an adjustable length,

a coupling device (C, Exhibit X) configured to rotatably couple the bracing members together such that each of the plurality of bracing members is configured to rotate 360-degress around the coupling device while couple to the coupling device (the above recitation is intended use of the bracing device and the bracing device of Ichikawa is **capable** of being rotated 360 degrees by contracting the arms D and loosening the coupling device C) and allows the bracing members to support substantially all sides of an enclosed geometric shape;

adjusting the length of one of the bracing members to substantially the same length as a diameter of two opposing sides of the enclosed geometric shape (D, Exhibit X);

installing the first bracing member between the two opposing sides; and

repeating the length adjustment and installation of additional bracing members of the bracing device until substantially all the sides of the enclosed geometric shape are supported by at least one bracing member of the bracing device (E, Exhibit X).

Claim 14:

Ichikawa teaches the method of claim 13, further comprising articulating a plurality of feet (F, Exhibit X), each bracing member having a first articulating foot attached to the first end, and a second articulating foot attached to a second end.

Response to Arguments

Applicant's arguments filed 05 July 2007 have been fully considered but they are not persuasive. The bracing device of Baker and Ichikawa are **capable** of being rotated 360-degrees around the coupling device. Following the method of the application. One by one the members are rotated into place, the legs are extended and locked into place. Following those method steps, both Brown and Ichikawa are perfectly capable of rotating 360-degrees.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan D. Kwiecinski whose telephone number is (571)272-5160. The examiner can normally be reached on Monday - Friday from 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571)272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RDK

RICHARD E. CHILCOT, JR.
SUPERVISORY PATENT EXAMINER